

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – Prosecution Department – Appointment of Smt. K.Adinarayanamma, W/o. late Sri K.Jeevaratnam, Additional Senior Civil Judge, Ongole at Prakasam District as Assistant Public Prosecutor in Andhra Pradesh Prosecution Department on Compassionate Grounds as Special Case in relaxation of Rules – Notified.

LAW (LA&J-HOME-COURTS.A1) DEPARTMENT

G.O.Ms.No. 111

Dated: 11-08-2010.

Read the following:-

1. Representation of Smt. M. Adinarayanamma, W/o. late Sri K.Jeevaratnam, dated: nil.
2. From the Director of Prosecutions, Andhra Pradesh, Hyderabad, Letter No.1593/B1/2007, dated: 1.11.2007 & 20.5.2008.
3. Representation of Smt. K. Adinarayanamma, W/o. late Sri K.Jeevaratnam, dated: 30.6.2009 & 29.6.2010.

ORDER:

Smt. M.Adinarayanamma in her representations 1st and 3rd read above, has stated that she married legally late Sri K.Jeevaratnam, after the demise of his first wife, and she got one daughter that she belongs to Scheduled Caste community, that her husband expired on 6-12-2004, while working as Addl. Senior Civil Judge, Ongole, that the children born through the first wife of her late husband have taken away all the benefits including half pension and she is not able to maintain herself and her daughter and she is facing financial difficulties. She further stated that the Judicial Department has given appointment to the son of her husband's first wife and presently she is forced to live along-with her daughter without having sufficient means of livelihood. While referring to the appointment of Smt. P.S.A. Jyothi, as Assistant Public Prosecutor, on compassionate grounds vide G.O.Ms.No.87, Home (Courts.C) Department, dated.15.3.1994, and the appointment of Sri L.G.S.Padma Rao, as Assistant Public Prosecutor on compassionate grounds in relaxation of relevant Rules vide G.O.Ms.No.57, Law (LA&J-Home-Courts.A2) Department, dated.1.5.2009, she submitted that she is a law graduate and having considerable knowledge on legal side, and requested the Government to consider her case as a special case for appointment as Assistant Public Prosecutor in relaxation of relevant rules, as was done in respect of Sri L.G.S.Padma Rao, so as to enable her to survive with his daughter.

2. She has also furnished a copy of the Andhra Pradesh Gazette-Part-II, Extraordinary No.85, dated.21.6.2010 in connection with the change of her name from Madapuri Adinarayanamma, D/o. Madapuri Narayana, BA.,B.L., to that of Kombathula Adinarayanamma, W/o. Kombathula Jeevaratnam.

3. In the letter 2nd read above the Director of Prosecutions, Andhra Pradesh, Hyderabad, who has been consulted in the matter, inter-alia stated that the deceased employee Sri K.Jeevaratnam, Senior Civil Judge, Ongole, husband of the applicant belongs to Judicial Department, who died in harness on 6-12-2004 and for any compassionate appointment the dependent of the deceased employee shall have to apply for appointment within a period of one year from the date of demise of the Government Servant that as per para VII of Government Memo.No.60861/ Ser.A/03-1, General Administration (Ser.A) Department, dated:12-8-1993, the compassionate appointment shall be within the unit of appointment where the deceased employee was working and if there is no vacancy then only the case has to be sent to Collector and further the appointment on

compassionate grounds is restricted to the rank of Junior Assistant and below and that the post of Assistant Public Prosecutor, the applicant seeking for appointment on compassionate grounds is of a Gazetted cadre, and so it cannot be considered under the rules in force, and that the individual has to submit her application in Judicial Department within a period of one year from the date of demise of her husband. The Director of Prosecutions has also stated that the applicant had filed a O.A. No.1191/05 in Andhra Pradesh Administrative Tribunal to direct the respondents to pass orders on her representation dated: 17-01-2005 to consider her case for appointment as Assistant Public Prosecutor taking into account of the orders of Tribunal dated: 21-7-2003 in O.A.No.3130/96 and batch but the said O.A. was dismissed vide order dated: 24-1-2007.

4. In G.O.Ms.No.687, General Administration (Ser.A) Department, dated.3.9.1977, orders were issued for providing permanent relief to the family of a deceased Government servant who dies in harness while in service by appointing his son / daughter / spouse to the posts the pay of which is equal to or less than that of Lower Division Clerk/ Junior Assistant subject to the conditions stipulated therein and several orders were issued on the subject subsequently.

5. The Andhra Pradesh State Prosecution Service Rules, 1992 were made vide G.O.Ms.No.188, Home (Courts.C) Department, dated.30.3.1992, that according to the said rules, the method of appointment for the post of Assistant Public Prosecutor is by direct recruitment rule (3), that as per one must possess a degree in law and must have practiced as an Advocate and must have not less than (3) years active practice in Criminal Courts in the State (rule 5) and no person shall be eligible for appointment by Direct Recruitment to the post of Asst. Public Prosecutor if he has completed (28) years of age on the 1st day of July of the year in which the notification for recruitment is made.

6. After careful examination of the entire issue, Government have decided to appoint Smt. K.Adinarayanamma, W/o K.Jeevaratnam, Additional Senior Civil Judge, Ongole, Prakasam District, who died while in service, as Assistant Public Prosecutor in relaxation of the orders issued in G.O.Ms.No.687, General Administration(Ser.A)Department, dated.3.10.1977, restricting the appointment on compassionate scheme to the category of Junior Assistant and also the presumption of age limit in G.O.Ms.No.188, Home (Courts.C) Department, dated.30.3.1992 as a special case, even though, the Hon'ble High Court appointed one son of late Sri K.Jeevaratnam as Attender in Judiciary on compassionate grounds.

7. Accordingly, under rule 10 (a) of the Andhra Pradesh State and Subordinate Rules 1996, read with the Andhra Pradesh State Prosecution Service Rules, 1992 issued vide G.O.Ms.No.188, Home (Courts.C) Department, dated:30.3.1998, Smt. K.Adinarayanamma, W/o. late K.Jeevaratnam, Additional Senior Civil Judge, Ongole, Prakasam District is hereby appointed as Assistant Public Prosecutor, category (7) of the Andhra Pradesh Prosecution Service Rules, 1992 purely on temporary basis on compassionate grounds as a special case in the scale of pay of Rs.9285-21550/- in Zone IV.

8. The appointment of Smt. K.Adinarayanamma, as Assistant Public Prosecutor under compassionate grounds as ordered in para (6 & 7) above, is subject to the following:-

- i) Her appointment is purely on temporary basis and is liable to be terminated at any time without any notice and without assigning any reasons.

- ii) She should join duty within the period of (30) days as per Rule 11 (a) of Andhra Pradesh State and Subordinate Service Rules 1996 from the date of dispatch (by register post with acknowledgement due) of the appointment order failing which her appointment will be treated as automatically cancelled.
- iii) Her Services will be regularized subject to her character and antecedents being found satisfactory.
- iv) Her appointment is subject to the outcome of the OAs/WPs/RAs/CAs/SLPs etc., if any pending before the Hon'ble Courts.

9. The following Notification shall be published in the A.P. Gazette;

NOTIFICATION

Under Section 25 of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974) read with the Andhra Pradesh Prosecution Service Rules, 1992 issued vide G.O.Ms.No.188, Home (Courts.C) Department, dated.30.3.1992, Government of Andhra Pradesh, hereby appoint Smt. K.Adinarayanamma, W/o. late K.Jeevaratnam, Additional Senior Civil Judge, Ongole, Prakasam District as Assistant Public Prosecutor in the Andhra Pradesh Prosecution Service, in Zone IV, on compassionate grounds as a special case in relaxation of the orders issued in G.O.Ms.No.687, General Administration (Ser.A) Department, dated: 3.10.1977 and the rules issued in G.O.Ms.No.188, Home (Courts.C) Department, dated: 30.3.1992.

10. The Director of Prosecutions, Andhra Pradesh, Hyderabad, is requested to take necessary follow up action in the matter.

11. Copy of this order is available on Internet and can be accessed at address <http://www.ap.gov.in/goir>.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

R.RAMACHANDRA REDDY,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE.

To
The Director of Prosecutions, Andhra Pradesh, Hyderabad.
Smt. K.Adinarayanamma, W/o. late K. Jeevaratnam,
H.No.1-441-9-11, Maruthinagar, Kadapa District.

Copy to:

The Chairman, State Level Police Recruitment Board, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay and Accounts Officer, Andhra Pradesh, Hyderabad.

// FORWARDED :: BY ORDER //

SECTION OFFICER.